

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT

Case No. 1:17-cv-168 (MAD/CFH)

of

TAPPAN ZEE CONSTRUCTORS, LLC,
as owner of 2007 Lobell Boat, Serial Number
L0A11504J607, FOR EXONERATION FROM
OR LIMITATION OF LIABILITY,

CLAIMANT'S STIPULATIONS

Petitioner.
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Now comes the Claimant, Timothy Marion, and his attorney, Steven M. Melley, who stipulate and agree to this court as follows:

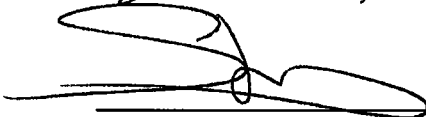
1. Claimant herein, Timothy Marion, does stipulate and agree to waive any *res judicata* and issue preclusion defenses arising from the pending state court action styled, Timothy Marion versus Tappan Zee Constructors, LLC, *et al.*, in the Supreme Court of the State of New York, County of Ulster, under Index No. 2180/2016, with respect to all matters regarding limitation of liability which are reserved exclusively for determination by this United States District Court for the Northern District of New York, the admiralty court herein; and
2. Claimant herein, Timothy Marion, does stipulate and agree that no collection on any judgment entered in the aforesaid pending state court action will commence until all limitation proceedings herein are concluded, and
3. Claimant herein, Timothy Marion, does stipulate and agree that this Court in Admiralty does have exclusive jurisdiction to determine all issues relative to the Petitioner's limitation of liability, including a determination of the value of the subject vessel or vessels and/or the adequacy of any security or guarantee furnished to this court by Petitioner herein; and

4. Except as stipulated herein above in items, "1" through "3", Claimant reserves unto himself all other rights and remedies, both state and federal.

Dated: April 19, 2017

SO STIPULATED AND AGREED


TIMOTHY MARION, CLAIMANT


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